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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Eleventh session
19-30 July 1993
Item 4 of the provisional agenda

STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from indigenous peoples' and non-governmental organizations

GE.93-14060 (E)

Introduction

1. By its resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1992/33 of 27 August 1992, requested the Secretary-General to transmit the report of the Working Group on Indigenous Populations on its tenth session (E/CN.4/Sub.2/1992/33) to indigenous peoples' and non-governmental organizations for written comments and suggestions for the completion of the second reading of the draft declaration on the rights of indigenous peoples contained in annex I to that report at the eleventh session of the Working Group. The Commission on Human Rights endorsed that request in its resolution 1993/31 of 5 March 1993. In accordance with those resolutions, appropriate communications were sent to the relevant organizations.

3. The present document contains replies received as of 3 June 1993 from indigenous peoples' and non-governmental organizations. Further replies, if any, will be included in addenda to the present document.

SAMI PARLIAMENT

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GENERAL

1. Although the conditions of the indigenous peoples in the world have undergone positive changes in many States, the Sami Parliament does not yet find the situation satisfactory. Consequently, the Sami Parliament considers the work of the Working Group on Indigenous Populations to achieve a declaration on these peoples to be extremely important and urgent. Moreover, the Sami Parliament hopes that the Declaration on the Rights of Indigenous Peoples, defining the minimum standards for the rights of the indigenous peoples in order to secure their survival and their well-being, will be approved by the United Nations as soon as possible.

DRAFT DECLARATION

2. In the opinion of the Sami Parliament the central significance of an unspoilt environment to the safeguarding of the culture and the well-being of the indigenous peoples should, in accordance with the statements of the United Nations Conference on Environment and Development in Rio de Janeiro (June 1992), be emphasized already in the preambular paragraphs of the Declaration. In this context the words "and the pollution and destruction of the environment" could be added to the first paragraph of the preamble as

follows: "... resulting in the dispossession of their lands, territories and resources and the pollution and destruction of the environment, as well as ...".

3. The civil servants' understanding of and respect for an indigenous people might be increased if they knew the language of this people. This would also be a more flexible arrangement for both parties than interpretation. For these reasons the Sami Parliament proposes that to part II, paragraph 10, be added the words "through civil servants knowing the language of the indigenous people or" as follows: "... where necessary, through civil servants knowing the language of the indigenous people or the provision of interpretation or by other effective means".

4. The Sami Parliament wishes to make sure that the protection referred to in part III, paragraph 19, involves protection against the exploitation, misuse or falsification by outside parties of the products of the intellectual property of the indigenous population. If the words "against outside parties" would make the matter clearer, the Sami Parliament proposes that they be added as follows: "Indigenous peoples have the right to special protection against outside parties, as intellectual property ...".

5. The Sami Parliament finds that the members of an indigenous people are to enjoy full civil rights in the States in which they live. Consequently, the words "as citizens with full rights" should be added to part IV, paragraph 25, of the Declaration as follows: "Indigenous peoples have the right to participate as citizens with full rights on an equal footing with all other citizens ...".

6. Finally, the Sami Parliament states that in its opinion the views of the Finnish Samis will best be brought forward in the preparation of the Declaration if a representative of the Sami Parliament will take part, as before, in the preparatory work in the delegation of the Finnish Government.